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10/646,022	08/22/2003	Thomas Soares	LON-003	9258

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EXAMINER	
OUELLETTE, JONATHAN P	
ART UNIT	**PAPER NUMBER**
3629	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/646,022	SOARES ET AL.	
	Examiner	Art Unit	
	Jonathan Ouellette	3629	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 August 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Riley et al. (US 2002/0123983 A1).**

3. As per **independent Claim 1**, Riley discloses a process to bring an instance of an information technology (hereafter IT) service into existence, comprising the steps of: using a computer to access a data structure of a service action and perform a fulfillment process comprising the steps: (A) using a computer to follow pointers in said data structure to an appropriate fulfillment workflow (Fig.4-Fig.6); (B) loading said fulfillment workflow into memory of said computer (Fig.4-Fig.6); (C) using said computer to execute computer instructions pointed to by one or more pointers in said fulfillment workflow (Fig.4-Fig.6, Fig.12); and (D) receiving and recording any feedback data entered by a human who has been given instructions by said computer to carry out one or more steps of said fulfillment workflow (Fig.12, documentation).

4. As per Claim 2, Riley discloses wherein step C includes the steps of executing computer instructions to execute steps in said fulfillment workflow which can be accomplished by said computer, and executing computer instructions that control said computer to send details of a task that can only be performed by a human to the human by email or by any other suitable form of communication with a human (Figs.4-5, service assignment), and wherein said feedback data includes cost and time to complete feedback information for each step accomplished either by a human or by a computer, and further comprising the steps: (E) comparing said cost and time to complete feedback information for each step of said fulfillment workflow to estimated cost and time to complete information previously stored in a data structure, and generating a report (SLA report); (F) after completion of processing of a fulfillment workflow, determining if it is the last fulfillment workflow in a hierarchy of fulfillment workflows each of which is pointed to by a pointer in a data structure of a service action in a hierarchy of service actions (Fig.7, Hierarchy); (G) if another fulfillment workflow is found in a hierarchy of fulfillment workflows, performing steps B, D, D again to execute the new workflow; and (H) repeating steps F and G until all fulfillment workflows in said hierarchy of fulfillment workflows have been found and executed (Figs. 4-16).
5. As per Claim 3, Riley discloses wherein step D comprises receiving and storing feedback information entered by said human as to how long it took said human to accomplish the step or steps assigned thereto by said computer and whether each step assigned to said human was completed, and wherein said feedback data includes cost and time to complete feedback information for each step accomplished either by a human or by a

computer, and further comprising the steps of comparing the time and cost it actually took to complete each step in a fulfillment workflow to estimated time and cost in a data structure and preparing a report of the results of said comparison (Figs. 4-16, SLA evaluation).

6. As per Claim 4, Riley discloses wherein step A comprises following a pointer in said data structure of said service action (hereafter referred to as a child service action) to a fulfillment workflow, and then performing steps B, C and D to execute the computer instructions linked to every step of said workflow, and then following a pointer, if there is one, in said data structure to a data structure of a parent service action which is at a next level up in a hierarchy of service actions and following a pointer in said data structure of said parent service action to a fulfillment workflow for said parent service action, and then performing steps B, C and D again, and repeating the process of following pointers in the data structure of the service action whose fulfillment workflow has been processed to another service action data structure at the next level up in said hierarchy and executing the fulfillment workflow instructions of any service action found at another level of said hierarchy until all service actions in said hierarchy have been found and all the fulfillment workflows pointed to by said service actions have been executed (Figs. 4-16).

7. As per Claim 5, Riley discloses wherein said service action is part of a hierarchy of service actions, each of which has an approval workflow with the approval workflow of the highest service action in said hierarchy superseding the approval workflows of lower service actions in said hierarchy, and further comprising the steps of following pointers in

the data structures of service actions in said hierarchy starting with the data structure of said service action initially loaded to find an "eve" service action which is highest in said hierarchy, and following a pointer in a data structure of said eve service action to an approval workflow, and loading said approval workflow into memory and executing computer instructions which implement each step of said approval workflow (Figs. 4-16, Service request escalation).

8. As per Claim 6, Riley discloses wherein said service action is part of a hierarchy of service actions, each of which has a fulfillment workflow with the fulfillment workflow of the highest service action in said hierarchy complementing the workflows of lower service actions in said hierarchy, and wherein steps A, B, C and D comprises following pointers in the data structures of service actions in said hierarchy starting with the data structure of said service action initially loaded and executing all said fulfillment workflows pointed to by pointers of data structures of service actions in said hierarchy (Figs. 4-16).

9. As per **independent Claims 7, 14, and 15**, Riley discloses a process (computer product) to bring an instance of an information technology (hereafter IT) service into existence, comprising the steps of: (1) using a computer to obtain management approval for creation of an information technology service instance by accessing a data structure of a service action and executing computer instructions linked to steps of an approval workflow defined in or pointed to by said data structure, said approval workflow having been defined in advance by an IT professional to define steps that need to be taken to obtain approval in accordance with an approval policy (Fig.12, Service request escalation); (2)

if approval is obtained, using a computer to perform a fulfillment process comprising the steps: (A) using a computer to follow pointers in said data structure to an appropriate fulfillment workflow; (B) loading said fulfillment workflow into memory of said computer; (C) using said computer to execute computer instructions pointed to by one or more pointers in said fulfillment workflow; and (D) receiving and recording any feedback data entered by a human who has been given instructions by said computer to carry out one or more steps of said fulfillment workflow (Figs.4-16).

10. As per Claim 8, Riley discloses wherein step 2C includes the steps of executing computer instructions to execute steps in said fulfillment workflow which can be accomplished by said computer, and executing computer instructions that control said computer to send details of a task that can only be performed by a human to the human by email or by any other suitable form of communication with a human (Figs.4-16).

11. As per Claim 9, Riley discloses wherein step 2D comprises receiving and storing feedback information entered by said human as to how long it took said human to accomplish the step or steps assigned thereto by said computer and whether each step assigned to said human was completed (Figs.4-16).

12. As per Claim 10, Riley discloses wherein said service action is part of a hierarchy of service actions, each of which has an approval workflow with the approval workflow of the highest service action in said hierarchy superseding the approval workflows of lower service actions in said hierarchy, and wherein step 1 comprises following pointers in the data structures of service actions in said hierarchy starting with the data structure of said service action initially loaded in step 1 to find an "eve" service action which is highest in

said hierarchy, and following a pointer in a data structure of said eve service action to an approval workflow, and loading said approval workflow into memory and executing computer instructions which implement each step of said approval workflow (Figs.4-16).

13. As per Claim 11, Riley discloses wherein said service action is part of a hierarchy of service actions, each of which has a fulfillment workflow with the approval workflow of the highest service action in said hierarchy superseding the approval workflows of lower service actions in said hierarchy, and wherein step 1 comprises following pointers in the data structures of service actions in said hierarchy starting with the data structure of said service action initially loaded in step 1 to find an "eve" service action which is highest in said hierarchy, and following a pointer in a data structure of said eve service action to an approval workflow, and loading said approval workflow into memory and executing computer instructions which implement each step of said approval workflow (Figs.4-16).
14. As per Claim 12, Riley discloses wherein step 2A comprises following a pointer in said data structure of said service action (hereafter referred to as a child service action) to a fulfillment workflow, and then performing steps 2B, 2C and 2D to execute the computer instructions linked to every step of said workflow, and then following a pointer, if there is one, in said data structure to a data structure of a parent service action which is at a next level up in a hierarchy of service actions and following a pointer in said data structure of said parent service action to a fulfillment workflow for said parent service action, and then performing steps 2B, 2C and 2D again, and repeating the process of following pointers in the data structure of the service action whose fulfillment workflow has been processed to another service action data structure at the next level up in said hierarchy

and executing the fulfillment workflow instructions of any service action found at another level of said hierarchy until all service actions in said hierarchy have been found and all the fulfillment workflows pointed to by said service actions have been executed (Figs.4-16).

15. As per Claim 13, Riley discloses wherein step 1 includes the steps of following a pointer in said data structure of said service action (hereafter referred to as a child service action) to an approval workflow, and then performing the following steps (3) loading said approval workflow into memory of said computer; (4) using said computer to execute computer instructions pointed to by one or more pointers in said approval workflow; and (5) receiving and recording any feedback data entered by a human who has been given instructions by said computer to carry out one or more steps of said approval workflow; and then following a pointer, if there is one, in said data structure to a data structure of a parent service action which is at a next level up in a hierarchy of service actions and following a pointer in said data structure of said parent service action to an approval workflow for said parent service action, and then performing steps 3, 4 and 5 again, and repeating the process of following pointers in the data structure of the service action whose approval workflow has been processed to another service action data structure at the next level up in said hierarchy and executing the approval workflow instructions of any service action found at another level of said hierarchy until all service actions in said hierarchy have been found and all the approval workflows pointed to by said service actions have been executed (Figs.4-16).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Additional Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

20. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (571) 272-4000. Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 2, 2009

/Jonathan Ouellette/

Primary Examiner, Art Unit 3629